IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 6601 of 2007(J)

PETITIONER:

B. RADHAKRISHNA PILLAI,
S/O.BHASKARA PILLAI, PULLAMPILLIL HOUSE,
KUNNATHUR EAST P.O., KOLLAM,
NOW WORKING AS LDC, CO-OPERATIVE TRAINING COLLEGE,
NOR TH PARAVOOR.

BY ADV. SRI.RENJITH THAMPAN

RESPONDENTS:

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1. STATE CO-OPERATIVE UNION
REPRESENTED BY ITS SECRETARY,
O/O.STATE CO-OPERATIVE UNION, PATTOM,
THIRUVANANTHAPURAM.

2. THE SECRETARY, STATE CO-OPERATIVE
UNION, O/O.STATE CO-OPERATIVE UNION,
PATTOM, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. Siri Jagan, J.

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W.P(C) No. 6601 of 2007

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Dated this, the 27th February, 2007.

J U D G M E N T

Petitioner is an employee of the 1st respondent-Co-operative Union. He has been placed under suspension on account of certain allegations of misconduct pending disciplinary proceedings . The said suspension is under challenge in this writ petition.

2. The contention of the petitioner is that under Rule 27 of Ext. P4 of the Staff Regulations, a person can be placed under suspension only if the appropriate authority considers that in the then prevailing circumstances, it is necessary in public interest that the employee should be suspended from service. According to to him, since he is in a different office from the office in which he is alleged to have committed the misconduct, it is not at all necessary in public interest to suspend him and there is no finding to that effect entered in the order of suspension. Therefore, he would submit that his suspension is clearly against the said Rule.

3. Whether in the then prevailing circumstances it is necessary in the public interest to suspend the employee or not is a matter which should be considered on evidence, which can more appropriately been done in an application under Section 69 of the Kerala Co-operative Societies Act, especially after the amendment of Section 69, by which disputes relating to service conditions of employees of co-operative societies have also been brought within the purview of that Section. The petitioner has also got a right to move the authority who suspended him for revoking the suspension order. If so inclined, the petitioner may resort to that remedy also.

In the above circumstances, I am not inclined to exercise my discretionary jurisdiction under Article 226 of the Constitution of India against Ext. P3 order of suspension at this juncture. Therefore, without prejudice to the right of the petitioner to file an application under Section 69 of the Kerala Co-operative Societies Act or to move

the Secretary for revoking the order of suspension, this writ petition is dismissed.

Sd/- S. Siri Jagan, Judge.

Tds/